NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. CHARLES VONLEWIS, Defendant - Appellant.	No. 06-10412 D.C. No. CR-03-00333-HDM/RJJ MEMORANDUM [*]

Appeal from the United States District Court
for the District of Nevada
Howard D. McKibben, District Judge, Presiding

Submitted November 13, 2007[**]

Before: TROTT, W. FLETCHER, and CALLAHAN, Circuit Judges.

Charles Vonlewis appeals from the district court's decision that it would not have imposed a materially different sentence following a limited remand under

[*] This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

[**] The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

United States v. Ameline, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Vonlewis contends that his sentence is unreasonable under *United States v. Booker*, 543 U.S. 220 (2005), because the district court did not allow him to interview with a probation officer and did not articulate its consideration of the sentencing factors set forth in 18 U.S.C. § 3553(a). However, our review of a district court's decision not to resentence a defendant following a remand pursuant to *Ameline* is limited to whether "the district [court] properly understood the full scope of [its] discretion" under *Booker*. *See United States v. Combs*, 470 F.3d 1294, 1297 (9th Cir. 2006). We conclude that the record reflects that the district court "understood [its] post-*Booker* authority to impose a non-Guidelines sentence." *See id.*

AFFIRMED.